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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,984	12/05/2000	Yisroel Lefkowitz	600474-003	8696
61834	7590	12/28/2007	EXAMINER	
DREIER LLP			ALVAREZ, RAQUEL	
499 PARK AVE			ART UNIT	
NEW YORK, NY 10022			PAPER NUMBER	
			3622	
			MAIL DATE	DELIVERY MODE
			12/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/729,984	Applicant(s) LEFKOWITZ, YISROEL	
	Examiner Raquel Alvarez	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12,14-20 and 85-110 is/are pending in the application.
- 4a) Of the above claim(s) 86-95 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12,14-20 and 85-110 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 10/9/2007.
2. Claims 1, 2, 4-12, 14-20, 85 and 96-110 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-2, 4-5, 7-12, 14, 15, 17-19, 85, 85, 96-110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,847,965 hereinafter Walker) in view of Business Wire "Air France Corrects and Replaces Previous Announcement", hereinafter Air France.**

Walker teaches offering to sell to a customer at least one specific item at an offering price (i.e. using input device 306, the customer remotely order a first item from a merchant)(see figure 1);

in conjunction with said offer to sell said specific first item at said offering requiring said customer to select as part of a single transaction at least one second item to be selected from a group of one or more second items, said offer to sell said second item and said offer of at least one second item being made over a computer network from a single merchant (i.e. as part of the order of the first item, the customer is required

to select from a plurality of complementary items that he is entitled to receive free of charge for making the purchase of the first item. The complimentary item is added to the single transaction free of charge)(Figure 3, 328 and col, 13, lines 47-54);

said merchant acknowledging said customer decision to purchase said at least one specific first item and said at least second item, the acknowledgment being made over said computer network (see figure 1);

said merchant accepting payment over said computer network from said customer for said first item (figure 15B, step 1566);

said merchant delivering the first item to said customer (figure 16A, step 1604);

said merchant advising said customer of the method of delivery of said at least second item to said customer, said method of delivery being connected to said customer engaging in the first item (i.e. the customer is delivered both ordered items at step 1604).

With respect to the first item being an international travel ticket and the second item being a duty free item. Air France teaches customer purchasing an international ticket being offered discounts for duty free items. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in the invention of Walker international tickets and duty free items in order to motivate customer to buy international flights.

5. Claims 6, 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Air France further in view of Ong-Yeoh "Golden Boutique Set to Boost MAS Revenue", hereinafter Ong-Yeoh .

Ong-Yeoh teaches advising the customer that the duty free items will be delivered to the customer at one of an international port of departure ("pre-order business where passengers can purchase their tickets and duty free items to be delivered at the airport). It would have been obvious to one having ordinary skill in the art at the time of the invention to have advised the customer of item delivery as in Ong-Yeoh in the system of Walker since the item delivery would have been adopted for the intended use of the pre-order business of Walker at least where the ticket and item inspection verifies eligibility of the duty free item.

Response to Arguments

6. Applicant argues that Walker doesn't teach any connection between the customer's receipt of the complimentary item and any item actually being ordered by the customer or that the customer is required to select and obtain the complimentary item in order to purchase another item. The Examiner disagrees with Applicant because in order for the customer to receive a complimentary item (first item) at an offering price (free of charge), the customer must or is required to purchase a second item as part of a single transaction. The customer using input device 306, selects an item free of charge, the customer must select a second item for purchase in conjunction with the complimentary item by a single merchant in a single transaction (see Figure 3) in order to receive the upsell item or free item. Walker works like the traditional "get one free if you buy one". The customer gets an item for free or for a discount **only** if first the customer purchases a second item at a particular price.

7. Applicant argues that Walker doesn't teach a predetermined maximum value dependent on the price of the complimentary item (claim 4). In walker, the customer's selection of complimentary items is from a list, the list of items 328 having a predetermined maximum value.

8. Applicant argues that Walker doesn't teach matching ordered items with complimentary items (claim 97). The Examiner disagrees because Walker teaches on col. 13, lines 31-60, the customer being able to collect complementary items or an upsell **only** if the customer selects or buys a certain second item at a particular price (Figure 10, 1026).

9. Applicant argues that Walker doesn't teach matching based on the price of the item or that that a concession fee percentage of such dollar value is sufficient to cover the offering price of the item (claims 98 and 105). The Examiner disagrees with Applicant because Walker teaches on Figure 10, the customer having to spend a particular purchase price (second item) in order to receive an offer or upsell (first item) or to cover the cost of the offer or upsell.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Point of contact

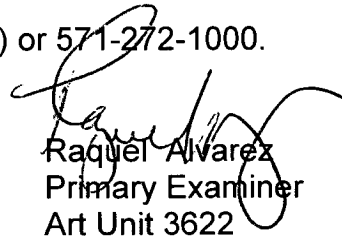
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
09/729,984
Art Unit: 3622

Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
12/13/2007